

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT MARTINSBURG**

RICHARD MURRAY, SR.,

Plaintiff,

v.

**CIVIL ACTION NO. 3:05CV06
(BROADWATER)**

**MORGAN COUNTY CIRCUIT
COURT, and BERKELEY COUNTY
CIRCUIT COURT,**

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day the above styled case came before the court for consideration of the Report and Recommendation of Magistrate Judge James E. Seibert, dated December 21, 2005. The plaintiff did not file objections to the Report. After reviewing the above, the Court is of the opinion that the Magistrate Judge's Report and Recommendation should be and is hereby **ORDERED** adopted.

The Court further **ORDERS** that the plaintiff's motion to convert the original complaint and to change venue is **DENIED** and plaintiff's motion to withdraw the complaint without prejudice is **GRANTED** based on the reasons set forth in the Magistrate Judge's Report and Recommendation. It is further **ORDERED** that this action be and is hereby **STRICKEN** from the active docket of this Court.

The Clerk is directed to transmit true copies of this Order to the petitioner and all counsel of record herein.

DATED this 3rd day of February, 2006.


W. CRAIG BROADWATER
UNITED STATES DISTRICT JUDGE